IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA)	
)	Case No. 1:06CR00046
v.)	ORDER
RODNEY EDWARD STEWART,)	By: James P. Jones
Defendant.)	United States District Judge

For reasons stated in the accompanying Opinion, it is **ORDERED** that:

- 1. Defendant's "MOTION FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING PURSUANT TO FED. R. CIV. P. 60(b)(6) & 60(d)(1)" (ECF No. 197) is DENIED;
- 2. The Clerk is DIRECTED to redocket the defendant's pro se motion (ECF No. 197) as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
- 3. The § 2255 motion is hereby DENIED without prejudice as successive and is stricken from the active docket of the court; and
- 4. A Certificate of Appealability is DENIED, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: October 17, 2013

/s/ James P. Jones
United States District Judge